

## REMARKS

Claims 48-49, 51-56, 59-65, and 68-69 remain in this application. Claims 50, 57-58, and 66-67 have been withdrawn without prejudice to their subsequent reinstatement. No claims have been added, cancelled, or amended. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### 35 U.S.C. §121 Election/Restrictions

The Patent Office has issued a restriction under 35 U.S.C. § 121 to one of the following inventions directed to:

- I. spacers including a metal oxide;
- II. spacers including an organic material; and
- III. spacers formed by growing a layer by oxidation.

In response to the restriction, the Applicants hereby selects, without traverse, to prosecute claims directed to spacers formed by growing a layer by oxidation in this application. Applicant makes this election without prejudice to the right to prosecute the non-elected claims in one or more other patent applications.

Currently, claims 48-49, 51-56, 59-62, 64-65, and 68-69 are believed to be generic.

### **Conclusion**

In view of the foregoing, it is believed that all claims patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

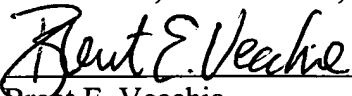
### **Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Date: 2-14-05

Respectfully submitted,  
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